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Attorneys for Defendants
AMERICAN INTERNATIONAL GROUP, INC.
and DAVID L. HERZOG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Plaintiff,

vs.

AMERICAN INTERNATIONAL GROUP, INC.,
MARTIN J. SULLIVAN, STEVEN J. BENSINGER,
JOSEPH CASSANO, ANDREW FORSTER,
THOMAS PETER ATHAN, ALAN FROST,
DAVID L. HERZOG, and ROBERT LEWIS,

Defendants.

Case No. CV-13-3653-JSW

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING WAIVER OF
SERVICE, SCHEDULE AND
REMOVAL FROM ADR PROGRAM**

Honorable Jeffrey S. White

1 HON. JEFFREY S. WHITE, UNITED STATES DISTRICT JUDGE:

2 WHEREAS, Plaintiff filed a complaint (the “*Complaint*”) in the above-captioned action (the
3 “*Action*”) on August 6, 2013 in this Court;

4 WHEREAS, pursuant to this Court’s Order Setting Initial Case Management Conference and
5 ADR Deadlines, dated August 6, 2013 (*see* Dkt. No. 3), the Action was assigned to the Alternative
6 Dispute Resolution (ADR) Multi-Option Program (the “*ADR Program*”) governed by ADR Local
7 Rule 3;

8 WHEREAS, the Parties have conferred and agree that, subject to Court approval and/or
9 modification, the waiver of service, schedule and removal from the ADR Program set forth below
10 are appropriate for the Action (the “*Stipulation*”);

11 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

12 **I. WAIVER OF THE SERVICE OF SUMMONS**

13 A. Defendants have received Plaintiff’s request to waive service of a summons in the
14 Action. Subject to the Court approving the agreed-to schedule herein, Defendants agree to save the
15 expense of serving a summons and complaint in the Action (“*Defendants’ Waiver*”).

16 B. Notwithstanding Defendants’ Waiver, Defendants understand that they will keep all
17 defenses or objections to the lawsuit, the court’s jurisdiction, and the venue of the action, but that
18 they waive any objections to the absence of a summons or of service.

19 **II. TIME TO RESPOND OR MOVE AGAINST THE COMPLAINT**

20 A. Defendants shall move to transfer the Action or respond to the Complaint within sixty
21 (60) days of the entry an order approving the Stipulation.

22 B. If Defendants move to transfer the Action pursuant to 28 U.S.C. § 1404(a) or § 1407
23 (the “*Transfer Motion*”), the Parties agree that (i) all proceedings and discovery in the Action shall
24 be stayed pending the Court’s decision on the Transfer Motion and (ii) no response to the Complaint
25 shall be due until following a decision on the Transfer Motion.

26 C. If Defendants make the Transfer Motion, (i) Plaintiff shall have sixty (60) days after
27 the Transfer Motion is filed to oppose the Transfer Motion and (ii) Defendants shall then have thirty
28 (30) days to reply to Plaintiff’s opposition.

STIPULATION AND ~~PROPOSED~~ ORDER RE:
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D. If the Court denies the Transfer Motion, Defendants shall respond to the Complaint within sixty (60) days of the entry an order denying the Transfer Motion.

E. If the Transfer Motion is granted, the parties shall meet and confer to negotiate an appropriate schedule for Defendants to respond to the Complaint.

III. REMOVAL FROM ADR PROGRAM

A. ~~The Parties agree that the Action shall be removed from the ADR Program.~~
Denied without prejudice to recommendation of alternative dispute resolution proposal.

Dated: October 23, 2013

WEIL, GOTSHAL & MANGES LLP

By: /s/ Christopher J. Cox

Christopher J. Cox
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Robert F. Carangelo
Christopher L. Garcia
Stacy Nettleton
Matthew E. K. Howatt

Counsel for Defendants AMERICAN
INTERNATIONAL GROUP, INC. and
DAVID L. HERZOG

Dated: October 23, 2013

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By: /s/ Lee G. Dunst

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Counsel for Defendant JOSEPH
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Dated: October 23, 2013

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By: /s/ Bradford Jealous, III

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Joseph De Simone
Bradford Jealous, III

Counsel for Defendant STEVEN J.
BENSINGER

1 Dated: October 23, 2013

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2 By: /s/ Jamison A. Diehl

3 Robert H. Pees
Jamison A. Diehl

4 Counsel for Defendant MARTIN J.
5 SULLIVAN

6 Dated: October 23, 2013

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7 By: /s/ Sadie H. Diaz

8 Richard D. Owens
Sadie Holzman Diaz
9 Aaron Goldberg

10 Counsel for Defendant ANDREW
11 FORSTER

12 Dated: October 23, 2013

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13 MCCLOY LLP

14 By: /s/ Dorothy Heyl

15 Thomas Arena
Dorothy Heyl

16 Counsel for Defendant ALAN FROST

17 Dated: October 23, 2013

WILLKIE FARR & GALLAGHER LLP

18 By: /s/ Michael R. Young

19 Michael R. Young
Antonio Yanez, Jr.
20 Mei Lin Kwan-Gett

21 Counsel for Defendant ROBERT LEWIS

22 Dated: October 23, 2013

DEBEVOISE & PLIMPTON LLP

23 By: /s/ Erich O. Grosz

24 Erich O. Grosz

25 Counsel for Defendant THOMAS PETER
26 ATHAN

1 Dated: October 23, 2013

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BERNSTEIN, LLP

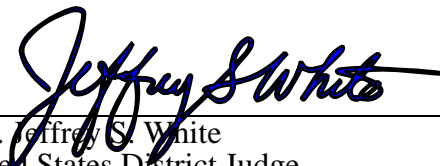
2
3 By: /s/ Joy A. Kruse

4 Richard M. Heimann
5 Joy A. Kruse
6 Bruce W. Leppla
7 Steven F. Fineman
8 Daniel P. Chiplock
9 Nicholas Diamand
10 Douglas I. Cutherbertson

Counsel for Plaintiff THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA

11 **PURSUANT TO STIPULATION, IT SO ORDERED:**

12 Dated: October 23, 2013

13 
14 Hon. Jeffrey S. White
15 United States District Judge

16 **ATTESTATION**

17 I, Christopher J. Cox, an ECF User whose ID and password are being used to file this
18 STIPULATION AND ORDER REGARDING WAIVER OF SERVICE, SCHEDULE AND
19 REMOVAL FROM ADR PROGRAM, in compliance with Civil L.R. 5-1(i)(3), hereby attest that all
20 attorneys, have concurred with this filing.

21
22 Dated: October 23, 2013

WEIL, GOTSHAL & MANGES LLP

23 By: /s/ Christopher J. Cox
24 Christopher J. Cox

25 Counsel for Defendants AMERICAN
26 INTERNATIONAL GROUP, INC. and
27 DAVID L. HERZOG
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